

Notice of Allowability

Application No.

09/978,306

Applicant(s)

O'KEEFFE ET AL.

Examiner

Art Unit

Tom V. Sheng

2677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 9/19/2005.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>4/6/2005</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Rodney LeRoy on 11/10/2005.

In the claims:

Claim 1, line 5, after "top housing", insert " and having a seamless appearance from a top of said extending button".

Claim 12, line 6, after "top housing", insert " and each having a seamless appearance from a top of said extending buttons".

Claim 22, line 5, after "top metal housing", insert " and having a seamless appearance from a top of said extending button".

Claim 23, line 5, after "top housing", insert " and having a seamless appearance from a top of said extending button".

Claim 27, line 5, after "top housing", insert " and having a seamless appearance from a top of said extending button".

Allowable Subject Matter

2. Claims 1-33 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The claimed invention is directed to an input device with a top housing having an integrally formed, free extending top button. The top housing is mounted so that the extending button is supported in a cantilevered fashion. The button is sufficiently flexible to allow it to be depressed for button activation.

Independent claims 1, 23 and 27 identify the uniquely distinct features "a free extending button integrally formed with said top housing and having a seamless appearance from a top of said extending button; said extending button being depressible separately with respect to a remainder of said top housing; said top housing providing a cantilevered mounting of said extending button to said body of said device." Independent claim 22 recites the same uniquely distinct features and further limits the top housing as a metal housing.

Independent claim 12 identifies the uniquely distinct features "first and second free extending metal buttons integrally formed with said metal top housing and each having a seamless appearance from a top of said extending buttons; said extending buttons being depressible separately with respect to a remainder of said top metal housing; said top metal housing providing a cantilevered mounting of said extending buttons to said body of said device."

Independent claim 33 identifies the uniquely distinct features "a free extending button integrally formed with said top housing and having a seamless integration with said top housing; said extending button being depressible separately with respect to a remainder of said top housing; said top housing providing a cantilevered mounting of said extending button to said body of said device."

None of the prior arts of record teaches at least the above features.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom V. Sheng whose telephone number is (571) 272-7684. The examiner can normally be reached on 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Sheng
November 11, 2005

AMR A. AWAD
PRIMARY EXAMINER
Amr Awad